

JUDGE: BURGESS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
GARY GEORGE ELMS,)
Defendant.)

NO. CR05-5430FDB

**ORDER GRANTING STIPULATED
MOTION TO
CONTINUE TRIAL**

Upon the stipulation of the parties to continue the trial date in the above-captioned case, and based upon the facts set forth in the stipulated motion of the parties, which are hereby incorporated by reference, the Court finds that such a continuance would serve the ends of justice and outweigh the best interests of the public and the defendant in a speedy trial and that failure to grant the requested continuance would deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, therefore,

IT IS HEREBY ORDERED that the current trial date of October 17, 2005 be continued to the new trial date of February 6, 2006.

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1 The period of delay resulting from this continuance from October 17, 2005, up to and
2 including the new trial date of February 6, 2006, is hereby excluded for speedy trial purposes
3 under 18 U.S.C. § 3161(h)(8)(A) and (B) for the purpose of computing the time limitations
4 imposed by the Speedy Trial Act, 18 U.S.C. § 3161-3174.

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6 DATED this 5th day of October 2005.
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13 FRANKLIN D. BURGESS
14 UNITED STATES DISTRICT JUDGE
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Presented by:

s/Judith M. Mandel

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Approved for entry by:

s/Gregory Gruber*

Gregory Gruber
Assistant United States Attorney
* Telephonic Approval

Proposed Order to Continue
Trial

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